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Convention on the Rights of the Child

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**Committee on the Rights of the Child**
**Seventy-second session**

**Summary record of the 2115th meeting**
Held at the Palais Wilson, Geneva, on Tuesday, 24 May 2016, at 10 a.m.

*Chair*: Mr. Mezmur

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*The meeting was called to order at 10 a.m.*

**Consideration of reports of States parties** (*continued*)

*Fifth periodic report of the United Kingdom of Great Britain and Northern Ireland* (continued) (CRC/C/GBR/5; CRC/C/GBR/Q/5 and Add.1)

1. *At the invitation of the Chair, the delegation of the United Kingdom of Great Britain and Northern Ireland took places at the Committee table.*

2. **Ms. Sandberg** (Coordinator, Country Task Force) asked how the national authorities intended to tackle the high levels of pollution and how the new climate change strategy took account of children's rights. Noting that sexual and reproductive health-education programmes should contain age-appropriate information on social and LGBTI issues and should be planned in consultation with children and adolescents, she asked how the Government planned to reduce hostility towards LGBTI children. Information on plans to facilitate access to abortion services for adolescents in Northern Ireland would be welcome. She also wished to know whether the National Drug Control Master Plan implemented in Bermuda had been evaluated.

3. Noting the alarming rise in child poverty in recent years, she asked whether the Government had any plans to monitor the impact of the 2016 Welfare Reform and Work Act; whether it would look into the cumulative effect on children of the full range of social security reforms introduced over the past few years; whether a new poverty strategy for Northern Ireland was ready for implementation; whether it was fair to say that the Government's poverty strategy overlooked the working poor; and to what extent the Life Chances Strategy focused on children and the reduction of child poverty and vulnerability. Given that statutory child-poverty reduction targets had been abolished, she wondered what alternative means would be used to reduce child poverty and ensure accountability in that area. She also enquired how the needs of children who were particularly vulnerable to the effects of poverty would be met. For example, what measures were being taken to tackle homelessness and reduce the use of temporary accommodation?

4. **Mr. Nogueira Neto** said that he would like additional information on discrimination against children living with HIV/AIDS and/or with disabilities, LGBT children, ethnic minority children and child immigrants, asylum seekers and refugees; the employment of children by relatives, including during the school week; the care of children whose parents were in detention; telephone helplines for children, and their operation; and bullying and cyberbullying.

5. **Mr. Kotrane** (Country Task Force) said that, although it welcomed the State party's decision to end the detention of child migrants, the Committee was concerned about the lack of reliable information on child asylum seekers; the fact that not all unaccompanied children had access to a guardian or to independent legal advice; the fact that asylum seekers' age was determined on the basis of their physical appearance; the detention of child asylum seekers in temporary holding facilities; restrictions on family reunification for unaccompanied children; the obstacles faced by child asylum seekers, refugees and migrants and their families in accessing basic education and health-care services; and the related risk of poverty.

6. Although the reforms relating to the minimum age of criminal responsibility in Scotland and Monserrat referred to in paragraphs 94 and 96 of the State party's replies to the list of issues (CRC/C/GBR/Q/5/Add.1) were welcomed, the Committee had a number of ongoing concerns. For example, in some cases, children were tried in adult courts; the age of criminal responsibility in a large number of Crown Dependencies and Overseas Territories was still 10 years; minors under the age of 18 years could be sentenced to life imprisonment; the number of children in detention, in particular ethnic minority children,

remained high; children held in places of deprivation of liberty continued to be housed alongside adult detainees and did not always have access to health care and education; and children were sometimes held in difficult conditions of detention, including solitary confinement.

7. The Committee welcomed the State party's ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, the introduction of independent legal assistance for all unaccompanied children in Northern Ireland and Scotland and all potential child victims of trafficking in England and Wales, the adoption of a raft of related legislation and the inclusion of child sex abuse as a part of the Strategic Policing Requirement. However, information was needed about the current situation with regard to extraterritorial jurisdiction for the offences referred to in article 4 (2) of the Optional Protocol on the sale of children, child prostitution and child pornography, and about the dual criminality requirement referred to in paragraph 34 of the Committee's concluding observations on the State party's initial report on the implementation of the Optional Protocol (CRC/C/OPSC/GBR/CO/1). He would also like details of any other measures the State party intended to adopt to build a stronger national mechanism for the identification of child victims of trafficking and exploitation, set up mechanisms and procedures to protect their rights and review legislation to ensure that all children under 18 years of age were protected against the offences covered by the Optional Protocol. Information on the Independent Inquiry into Child Sexual Abuse would also be appreciated.

8. The Committee remained concerned about the fact that the State party maintained its wide-ranging interpretative statement relating to article 1 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; that the minimum age of recruitment in the State party was 16 years; that 20 to 25 per cent of the members of the regular armed forces were children; that recruitment drives targeted persons aged under 18 years and children belonging to vulnerable groups; that voluntary recruitment safeguards were insufficient; and that the minimum period of service for persons aged under 18 years old recruited into the army was two years longer than the minimum period for adults.

9. **Mr. Kissack** (United Kingdom) said that Gypsy and Roma children were fully protected by the 2010 Equality Act. Traveller and Roma children were guaranteed places at school and specific resources had been developed to facilitate their integration. To support Gypsy and Traveller communities more generally, over the past five years the central Government had spent £42 million setting up 463 new pitches in England and refurbishing a further 332 while the Welsh Government had invested £12.5 million in pitch development, extension and refurbishment. In Scotland, minimum quality standards for pitches had been published in 2015.

10. **Ms. Egan** (United Kingdom) said that the Prevent Strategy referred to in the replies to the list of issues (CRC/C/GBR/Q/5/Add.1) was designed to increase understanding of terrorism and how best to challenge extremist ideologies. Guidance had been issued on the use of Taser guns and such weapons could be used only by specially trained officers. In October 2016, police forces nationwide would begin collecting data on the location and outcome of all incidents involving the use of serious force, physical restraint and Taser guns, and on the ethnic origin and age of all members of the public directly affected. A recent independent study had found that all police forces across the United Kingdom were using Taser guns fairly and appropriately.

11. Police officers could be held to account by local communities for their use of stop and search powers, which could legitimately be implemented where there were reasonable grounds to suspect that children were carrying stolen or prohibited items. The Police and Criminal Evidence Act Code A had been revised to make it clear that the police had a duty to safeguard and promote the welfare of all persons aged under 18 years old. The use of

stop and search powers had since fallen significantly and the stop-to-arrest ratio had increased. In 2015, antisocial behaviour orders had been replaced with civil injunctions addressing the underlying causes of such behaviour. The Scottish Government did not support the use of high-frequency alarm devices known as "mosquito".

12. A new strategy for combatting violence against women and girls had recently been launched and £80 million would be invested in victim support services. Since 2004, the number of women experiencing domestic abuse in England and Wales had fallen by 21 per cent, while the number of corresponding prosecutions and convictions had risen. Guidance and training on child sexual exploitation had been improved and a nationwide campaign had been launched to encourage the reporting of abuse and neglect. The number of prosecutions for child sex abuse and the number of corresponding convictions had increased by 14 per cent and 19 per cent respectively in the past year. A forced marriage unit had been set up and, to date, more than 1,000 forced marriage protection orders had been issued.

13. **Mr. Holmes** (United Kingdom) said that the Police Service of Northern Ireland routinely recorded and monitored the use of stop and search powers. Around 17 per cent of searches involved persons known to be under the age of 18 years old. The Northern Ireland Policing Board also carried out routine monitoring. Taser guns and attenuating energy projectiles were rarely used and there were no plans to ban them; however, every instance of their use since 2001 had been examined by the Office of the Police Ombudsman for Northern Ireland and reported to the Policing Board. The police did not use rubber or plastic bullets. As to the Operation Exposure campaign involving the publication of images of young suspects, the Policing Board had decided that the practice was acceptable when deemed necessary to protect the public or the young person concerned. The release of images and other identifying details was, however, subject to an in-depth risk assessment, consultation with relevant individuals and agencies, and monitoring by the Policing Board. A strategy for the disbandment of paramilitary organizations was under development and an inter-agency programme had been launched to prevent vulnerable young persons from becoming involved in paramilitary activities. A strategy to address domestic and sexual violence and abuse in Northern Ireland had been published in March 2016.

14. **Mr. Archer** (United Kingdom) said that the Governments of the various constituent parts of the United Kingdom had criminalized violence against children and supported positive parenting. The Government of the United Kingdom had prohibited corporal punishment in maintained schools, registered independent schools and registered child-care settings and was considering extending the ban to out-of-school settings. In its view, parents should not be criminalized for giving a child a light disciplinary smack. The reasonable chastisement defence could be employed where parents were charged with common assault but not in cases of assault causing actual or grievous bodily harm or child cruelty. The courts decided on a case-by-case basis what constituted reasonable chastisement. However, the Welsh Government had made a commitment to introduce legislation removing the defence of reasonable chastisement.

15. **Ms. Gross** (United Kingdom) said that the Government was investing in childcare at record levels. The current offer of 15 hours of free childcare for 3- and 4-year-olds and disadvantaged 2-year-olds was worth approximately £2,500 per year to parents and, from September 2017, the allowance would be doubled to 30 hours. Tax-free childcare was currently benefitting approximately 2 million families, while parents eligible for Universal Credit could claim up to 85 per cent of their childcare costs, subject to a maximum of £646 per month per child.

16. In England more than 2,300 additional health visitors had been recruited to support delivery of the Healthy Child Programme and an additional 500 health visitors had also been recruited in Scotland. Health visitors worked closely with children's centres, which

were currently being used by more than 1 million children. In January 2016, the Prime Minister had announced plans to further improve the availability of support services for parents and details of those plans would be set out in the Life Chances Strategy due to be published in the near future.

17. The number of children entering the State care system in England had increased from 65,500 in 2011 to 69,500 in 2015, while in Scotland a slight decrease had been observed. However, the increase in England, which was attributable in part to a rise in the number of asylum seekers and a High Court judgment concerning the treatment of homeless young people, could be interpreted as evidence of a greater number of children being cared for safely. Children were removed from their families only if a court had decided after careful assessment that it was in their best interests. Although local authorities were required under the 1989 Children Act to match children with foster carers of the same ethnicity, culture or linguistic background wherever possible, it was essential to take account of the full range of the child's needs. In adoption, children's right to identity had to be taken into account but the Children and Families Act of 2014 had removed the previous emphasis on ethnicity and placed that characteristic on an equal footing with others, making it possible for children from minority ethnic backgrounds to be adopted more quickly. The Government was committed to placing the child at the heart of the care system. All children had a named social worker and an independent reviewing officer whose role was to advocate on their behalf.

18. The Children and Families Act of 2014 gave the Children's Commissioner for England a legal remit to advocate for children in care on a national basis. As stability and security were two of the most important factors in children's lives, only 1 in 10 children experienced more than two placement moves in a year. The Office for Standards in Education, Children's Services and Skills (Ofsted) examined decision-making regarding placement moves as part of its overall inspections of local authorities. In Northern Ireland, ambitious targets had been set to reduce the number of moves. Children were placed close to their previous homes wherever possible and all exceptions to that rule required the approval of the local Director of Children's Services.

19. The Government's aim was that all young people leaving care should have security and stability in their lives. In 2014, to support that goal, it had introduced a new guidance paper entitled "Staying Put", which provided that local authorities should offer support to all care leavers who wished to stay with their foster carers until they reached the age of 21 years. An independent review of residential care was also being conducted and a new care leaver strategy would be published in the summer of 2016. The Children and Social Work Bill would, once adopted, make it a requirement for local authorities to make personal advisors available to care leavers until they reached the age of 25 years.

20. In Scotland, steps were also being taken to improve support for young people leaving care. Young people could stay in care until they reached the age of 21 years and aftercare support would be available to them until the age of 26 years. In Northern Ireland, all care leavers had access to personal advisers and the "Going the Extra Mile" scheme ensured that financial support was available to allow young people to stay with their foster carers until the age of 21 years.

21. **Mr. Archer** (United Kingdom) said that children would never be removed from the care of poorer parents for the sole reason that they could be given a better life in a wealthier family. The courts' paramount consideration was the welfare of the child. A court could issue a care or supervision order only if it was satisfied that the child was suffering, or was likely to suffer, significant harm; that the harm was attributable to the care given to the child or the care likely to be given in the future; and that not making the order would result in worse outcomes for the child. Where permanent arrangements were being considered, local authorities had a duty to consider family and friends as possible carers. In Scotland,

local authorities had a duty to make family group decision-making and parental support available whenever there was a risk of a child being taken into care. Early intervention was promoted and kinship carers received equal financial support.

22. Although many social workers provided an excellent service, others did not. The insufficient quality of some social work had been documented in Ofsted inspection reports and a major reform programme had been launched. The first plank of that reform was to improve the quality of social work education through programmes such as Frontline and "Step Up to Social Work", partnerships between local authorities and higher education institutions, and monitored induction years. The aim was to attract intellectually and empathetically strong individuals to the profession and provide them with comprehensive training. The second plank was to clarify the knowledge and skills required of social workers. An assessment process for social workers was being tested with a view to developing a system of accreditation. The third plank was the creation of a dedicated regulatory body for social work; it was not only the work of individual social workers that needed to be improved, but also the systems and organizations in which they operated. The Innovation Programme was an important contributor to that goal and the Government had recently allocated a further £200 million for innovation in the social care system over the current spending review period. The reform programme was expected to increase staff retention as well as recruitment.

23. **Ms. Sandberg** asked whether the delegation could not see the connection between the smacking of children and violence in society. She also wished to know whether both children in care and care leavers had been involved in the development of the care leaver strategy.

24. **Ms. Khazova** (Country Task Force) asked whether measures were in place to prevent children being removed from their families unnecessarily and invited the delegation to comment on reports that care leavers faced a higher risk of having their own children removed.

25. **Mr. Kissack** (United Kingdom) said that, while the Government in no way condoned the use of violence against children, it had no intention of removing the defence of reasonable chastisement. Recent evidence had shown that the Government's promotion of positive parenting was helping to change attitudes towards smacking. Children and young people had been involved in the preparation of the care leaver strategy. Children could not be removed from their parents' care unless there was a risk of significant harm. The most common form of harm was neglect. Since it was difficult to establish at what point chronic neglect became sufficient to constitute significant harm, the courts were extremely cautious.

26. **Ms. Goldhill** (United Kingdom) said that the Government's mandate to the National Health Service (NHS) England called for a smooth transition between child and adult mental health services, with age boundaries based on young persons' individual needs rather than chronological age. Transition arrangements were monitored by the Care Quality Commission. In 2014, a review of child and adolescent acute mental health care had identified a shortage of beds in some regions in England and, in response, the Government had provided £7 million to commission new beds and to put a new cadre of case managers in place. There were now 1,442 beds for young people. The majority of the Government's £1.4 billion investment in child and adolescent mental health would be spent on community-based services and the long-term result would be a reduction in the number of children and young people admitted to acute inpatient care. Community-based services would be supported by a new standard for the treatment of eating disorders in young people. A new waiting time standard for early intervention in psychosis had also come into effect while the new mental health services data set would provide more detailed information on children's mental health. The Department of Health had commissioned a survey on the

prevalence of mental health conditions in children and young people and was due to report its findings in 2018. In 2015, the health authorities had funded a campaign to fight the stigma associated with mental ill health and a sum of £500,000 had been invested to support the development of new digital tools for children and young people. The Government had also been working with young people to develop a new young people and mental health information hub that would be hosted on NHS Choices, a website visited more than 500 million times per year. Schools offered pastoral care to young people and were an additional source of support and advice on mental health issues.

27. The use of police cells to house mentally ill children was very rare and the Policing and Crime Bill, due to enter into force in 2017, would include a clause expressly prohibiting their use as places of safety. The Department of Health was working with NHS England and the National Collaborating Centre for Mental Health to identify and promote better crisis care services in advance of the legislative changes coming into force. The Crisis Care Concordat — a national agreement between crisis care service providers and agencies — reinforced the duty on the NHS to ensure that people under 18 years old were treated in a place of safety appropriate to their age and needs.

28. According to guidance issued by the National Institute for Health and Care Excellence, methylphenidate, sold under the trade name Ritalin, should be prescribed when drug treatment was considered appropriate to manage severe attention deficit hyperactivity disorder in children and adolescents. The treatment should be initiated by a health-care professional with expertise in the disorder, should be based on a comprehensive assessment and diagnosis, and should form part of a family treatment programme. Updated guidance was due to be published in January 2018. An increase in the number of prescriptions for antidepressants was not necessarily indicative of an increase in the number of patients. It was in any case important that young people and their families had a choice of treatments for mental health conditions, including pharmacological intervention where appropriate.

29. Scotland had been the first nation to introduce waiting time targets for child and adolescent mental health services. A sum of £150 million was being made available for mental health, with a focus on children and prevention, and a dedicated Minister for Mental Health had been appointed. In Northern Ireland, investment in children's mental health had increased from £9.5 million in 2006 to £19 million and waiting times for a first mental health outpatient appointment had decreased significantly. New facilities included a purpose-built inpatient unit, a regional family trauma centre and a state-of-the-art sexual assault referral centre, and the establishment of a specialist eating disorder inpatient unit was under consideration. In Wales, the Together for Children and Young People framework for action ensured that young people were not referred to specialist mental health services if their needs could be met more appropriately elsewhere. The initiative had received £7.65 million in new funding and that investment had allowed for the recruitment of more than 130 specialists. Challenging targets had been set for the reduction of waiting times.

30. Public Health England produced breastfeeding profiles for each local authority to address strategic needs, benchmark performance against national statistics and neighbouring areas, and target resources to areas in need. The Government worked with partners including the United Nations Children's Fund (UNICEF), the NHS and voluntary organizations in order to ensure consistency, providing information on the benefits of breastfeeding, notably through a scheme focusing on parents in lower socioeconomic groups, and leadership for health-care professionals working with pregnant women, new parents and their babies. In Scotland, breastfeeding rates in deprived areas had increased over the previous decade from 26 to 33 per cent. NHS Scotland complied with the World Health Organization International Code of Marketing of Breastmilk Substitutes and the Government funded a national breastfeeding helpline. Since the discontinuation of the national infant feeding survey, the Department of Health, Public Health England and other

stakeholders had been exploring alternative ways of monitoring the impact of infant feeding policies, and the Government was committed to the effective valuation of those policies. The maternity and children's data set covered a wider population than the infant feeding survey and would provide accurate, up-to-date information on infant feeding, allowing for a better response to local needs. In Northern Ireland, the breastfeeding strategy launched in 2013 had entailed the roll-out of the Breastfeeding Welcome Here scheme and peer support training programmes, as well as the dissemination of resources for women combining breastfeeding with returning to work and for their employers. The prevalence of breastfeeding in Northern Ireland was 47 per cent at one week, 33 per cent at six weeks and 16 per cent at six months.

31. Culture change was needed within the NHS to ensure that all health-care professionals were aware of the specific needs of transgender, non-binary and intersex persons. Public Health England and the Royal College of Nursing had developed two toolkits to help nurses and health practitioners to support the mental health needs of lesbian, gay, bisexual and transgender young people. A Clinical Reference Group had been established to advise NHS England on clinical issues in gender identity services, and guidance for doctors caring for transgender people had been published in March 2016. In Northern Ireland, guidelines on primary care for transgender patients had been published in 2015. NHS England was responsible for commissioning on issues affecting intersex children and was working to improve the services available to them, aiming to ensure that the management of intersex conditions improved quality of life, that expert evaluations were sought before gender assignment interventions were carried out on new babies with intersex conditions, and that decisions about such interventions were taken by clinicians in consultation with parents and the children themselves, if they were old enough. Consultations had been undertaken on proposals for the future configuration of clinical reference groups and details would shortly be published on the remit of each group, including the group for specialist gynaecology services for children and young people.

*The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.*

32. **Ms. Gross** (United Kingdom) said that the Children and Families Act of 2014 had brought in major changes to the system for children with special educational needs and disabilities, notably through the introduction of single integrated education, health- and social-care plans. The reforms enabled young people with disabilities to participate more actively in decisions concerning their care and had strengthened the statutory rights of all young persons aged between 16 and 25 years old. A new statutory code of practice had been issued jointly by the Department for Education and the Department of Health, under which the latter was for the first time duty-bound to provide the services set out in education, health- and social-care plans. Schools and colleges were also bound by the new code and local-level inspections were due to start in the near future.

33. The Government was committed to providing inclusive education for children and young persons with disabilities and removing barriers to learning. The Children and Families Act of 2014 enshrined the principles of access to mainstream education and parental choice between mainstream and specialist schooling. Decisions were made on a case-by-case basis depending on individual needs and preferences, the best interests of the child being the determining factor in all cases. The proportion of the overall school population being educated in special schools had remained stable at 1.2 per cent since 2010.

34. Because the transition to adult life was particularly challenging for young people with disabilities, early planning and early assessment of the future options, together with the young people concerned, were essential. The transition process would be covered in the evaluation currently being carried out as part of the area inspection programme.

35. A strong framework was in place for ensuring that mainstream schools met the needs of pupils with special educational needs. All teachers were trained in how to differentiate their teaching to meet the needs of all children, and all schools were required to have a special educational needs coordinator to support classroom teachers. In recent years, 11,000 such coordinators had received funding for Masters-level training.

36. **Ms. McDaniel** (United Kingdom) said that the Northern Ireland Mental Capacity Act of 2016 provided additional safeguards for children under the age of 16 years old who were subject to a mental health order and established a mechanism for independent advocates to represent children admitted to hospital for mental health assessment or treatment. A bill reforming adoption legislation that would remove unnecessary delays in the adoption process, ensure the centrality of the child and enhance support for all individuals involved had been drafted, but had not yet passed through the Assembly. The Child Rights Indicator Framework was a strategic tool that would be used to measure and monitor the Northern Ireland Executive's progress in implementing the Convention and would be integral to the development of the new strategy on children and young people. A new child poverty strategy for Northern Ireland had taken effect in March 2016 and a number of welfare reform mitigation measures linked to the introduction of the benefit cap, the bedroom tax, food poverty and changes to the working tax and universal credit systems had been adopted. In 2015 the Department of Justice had issued a recommendation for legislative amendments to allow access to abortion in cases of fatal foetal abnormality but the proposals had not been agreed. The Minister for Health had since been asked to establish a working group to consider such cases and develop recommendations for legislative change.

37. **Mr. Hughes** (United Kingdom) said that school admission decisions based on the outcome of academic testing were not consistent with fair treatment for all children. Strategic measures were in place to ensure that no child was disadvantaged by virtue of the school they attended. There was no forced segregation in the school system in Northern Ireland; rather, a range of school types were available and parents could express their preference for a particular type. Funding had been put in place to increase interaction between children from different backgrounds, notably through shared education schemes. All schools were eligible to apply for grants from the £25 million fund earmarked for such schemes. International studies had demonstrated that primary-age pupils in Northern Ireland were among the highest-performing in the world, but that their performance dipped during the secondary years. The onus was on schools to self-evaluate and self-improve, and recent years had seen a steady rise in the number of pupils leaving school with level two qualifications. The Department of Education was waiting to receive a report on the experiences of lesbian, gay, bisexual and transgender people aged between 16 and 21 years old in post-primary education in Northern Ireland. That research would inform efforts to provide support for those groups of young people as well as for their schools and teachers.

38. **Ms. Jackson** (United Kingdom) said that in Scotland there was a legal requirement for religious observance or time for reflection in schools. In England, all State schools were required to organize daily acts of worship and, in non-faith schools, the acts should reflect the essentially Christian traditions of the United Kingdom. However, schools that served a predominantly non-Christian community could seek authorization to replace them with acts of worship from a non-Christian faith. Parents had the right to withdraw children from any or all of the acts of worship performed at both faith and non-faith schools and, after reaching the age of 16 years, pupils could choose to withdraw themselves.

39. The Northern Ireland Assembly had recently passed the Addressing Bullying in Schools Act 2016. All schools in England were required to have a behaviour policy to prevent all forms of bullying, including cyberbullying. Schools were held to account by Ofsted, whose inspections included discussions with pupils, particularly on issues around

bullying. An adverse report was a serious sanction that required action on the school's part. The Government had recently increased teachers' powers to discipline pupils, and schools were required to consult staff, parents and pupils on the principles underpinning their behaviour policy. Schools had been provided with guidance on appropriate sanctions, including the use of isolation rooms; seclusion should be used only where appropriate, with due regard for the pupil's health and safety, and for no longer than necessary.

40. Schools had received advice on how to support vulnerable children who were being bullied and identify any related social or mental health issues. Funding of £1.3 million had been awarded to organizations working to tackle the bullying of vulnerable children, particularly those with special educational needs, and a further £1 million in funding to tackle homophobic, biphobic and transphobic bullying had recently been announced. The computing curriculum covered responsible use of the Internet and £500,000 had been awarded to the Safer Internet Centre to provide guidance and tools for keeping children safe online. Exclusion was used as a last resort only and was generally on the decline. Schools were required to ensure that exclusions were lawful, reasonable and fair, that excluded pupils were supported, and that extra support was available for pupils belonging to groups in which exclusion rates were high, notably through the Pupil Premium programme. Reforms designed to improve standards of alternative education provision and further reduce the incidence of exclusion had been announced in March 2016.

41. Sex and relationships education was compulsory at all maintained secondary schools. Academies and free schools were required to follow a broad curriculum which should include sex and relationships education. Such education should be age-appropriate, should emphasize positive values and should provide a strong moral framework that was relevant to all young people, whatever their sexuality. All youth offender institutions and secure training centres provided sex and relationships education, including sexual health instruction. Standards governing the health care of children and young people in secure settings had been developed in 2013.

42. All schools in England were required to support pupils' spiritual, moral, social and cultural development, including by actively promoting British values such as democracy, rule of law, individual liberty, mutual respect and tolerance. Citizenship teaching was mandatory for maintained secondary schools and study programmes introduced in 2013 covered human rights, international law, democracy and governance.

43. Parental involvement in schools was very important, and efforts were being made to deregulate that area. Proposals to remove the requirement for academy boards to reserve places for elected parent governors and replace it with a requirement for academies to make arrangements for "meaningful engagement" with parents were under consideration. An online parent portal would be created to facilitate access to information about the school system.

44. Although the Government believed that the best way to tackle underperformance was for all schools to become academies, it would not be legislating to that end at present. However, the requirement that failing or "coasting" schools be converted to academies would remain in place. Schools that local authorities were unable to maintain would also be converted. Academies operated within the same national framework as maintained schools. The Government was concerned that the large number of local funding formulas made it difficult to guarantee a fair allocation between schools and was therefore proposing a single national formula that was based on objective measures of need.

45. **Ms. Aldoseri** asked whether it was true that children with special needs were sometimes isolated or excluded, and whether that practice would be prohibited. She had been concerned to learn that a quarter of five-year-olds in England did not meet the required levels for language and as a result were not able to succeed in the classroom.

46. **Ms. Khazova** asked whether the State party's mental health plans included mandatory mental health assessments for all children in care and all children involved in criminal proceedings whose circumstances may necessitate additional psychological support, and whether the new target waiting times for mental health assessments applied to England only.

47. **Ms. Jackson** (United Kingdom) said that the Equality Act of 2010 prohibited schools from discriminating against pupils in any way and that individual schools' approach to discipline, and particularly to exclusion, was monitored by Ofsted. Any evidence that a school had acted unlawfully was taken very seriously and in such cases the Secretary of State was empowered to order the school to take action.

48. **Ms. Gross** (United Kingdom) said that language development was essential for school readiness and attainment. The Early Years Foundation Stage set out clear standards for ensuring learning opportunities and for staff training. The proportion of children achieving at the required level at five years of age had increased from 51 per cent in 2013 to 66 per cent in 2015.

49. **Ms. Goldhill** (United Kingdom) said that not all vulnerable children had mental health issues and that such children might feel stigmatized if mental health assessments were compulsory. In Wales, urgent referrals to mental health services should be addressed within 48 hours, while the target for routine assessments had been reduced to 28 days from 16 weeks. In Scotland, waiting times targets were not being met at present. Figures for Northern Ireland would be provided subsequently.

50. **Mr. Searle** (United Kingdom), referring in particular to the Life Chances Act and the Life Chances Strategy that were due to be adopted shortly, said that the Government was committed to eliminating child poverty. Statistics on children's life chances, which reflected the impact of austerity measures, welfare reforms and other factors and were prepared on an annual basis, showed that, although children in workless families were three times as likely to be in relative poverty as children from families where at least one person worked, work was often not enough to prevent poverty. However, the new National Living Wage and the Universal Credit system would help to encourage progression while in work.

51. The welfare reforms fundamental to building a strong economy, creating employment and generating wage growth should be viewed as part of a wider strategy to create a low-welfare, low-tax, high-wage economy based on behavioural change methodologies. The reforms, which were designed to combat worklessness and increase personal responsibility, had already borne fruit; at present there were almost 450,000 fewer children living in workless households than in 2010. The Government considered the impact of policy changes very carefully and was committed to ensuring a fair system within which everyone contributed to reducing the deficit and those with most made the largest contribution. The welfare reforms introduced since 2010 had been accompanied by discretionary funding of £870 million to protect vulnerable groups and the Treasury published a full distributional analysis of the impact of policies. The most recent version of that analysis indicated that, in 2019/2020, annual per capita expenditure on front-line services would be around £1,500 more for households with children than for households without children.

52. The Minister for Education had recently met with a group of young people to discuss concerns relating to homelessness and temporary bed-and-breakfast accommodation. Focused efforts would be made to address the issues raised and relevant funding levels had been maintained in the local government finance settlement for 2016-2017. A strong safety net was in place and homeless families with dependent children were always provided with accommodation. The long-term use of bed-and-breakfast accommodation for families with children was monitored closely, in line with the

Government's "Making Every Contact Count" strategy, and a total of £5 million had been allocated to the 25 local authorities facing the greatest pressures to enable them to reduce recourse to accommodation of that kind. While much remained to be done, households now spent less time in temporary accommodation than in 2010 and the number of households headed by a 16- or 17-year-old and living in bed-and-breakfast accommodation had been falling since 2007.

53. **Ms. Mcleod** (United Kingdom) said that the Scottish Government's approach to tackling the drivers of poverty and inequality was set out in the Child Poverty Strategy for Scotland for 2014-2017. The Scottish Government had spent £104 million to mitigate the impact of welfare reforms on Scottish families in 2015 and would use the additional welfare-related powers it was due to assume to improve support for low-income families in particular.

54. **Ms. Daniel** (United Kingdom) said that the Welsh Government was acutely aware of the impact of the welfare reforms in Wales and continued to relay its concerns to the British Government. It had welcomed the Court of Appeal ruling on the bedroom tax, which had highlighted the adverse effects for parents of children with serious disabilities needing overnight care and for victims of domestic violence living in specially adapted accommodation. Local authorities had a duty to strive to prevent homelessness and over £124 million had been provided through the Supporting People Fund to deliver housing support to the most vulnerable.

55. **Ms. Bridgeman** (United Kingdom) said that the Government of the United Kingdom was committed to the progressive implementation of children's rights in the British Overseas Territories and intended to review its reservations to the Convention with respect to those territories in consultation with the respective Governments. Reservations deemed no longer relevant would be removed. The central Government would continue to engage with territory Governments on the issue of "belonger" status and would encourage them to review their eligibility criteria. It was working with the territories to promote a better understanding of children's development needs and ensure access to basic services, while remaining mindful of the desire of many of the small island communities to maintain a sense of community cohesion and local identity.

56. She commended the efforts of the Organization of Eastern Caribbean States and the UNICEF Eastern Caribbean Office to address distinctions between children born within and outside wedlock, including the recent analysis of current legislation in the Eastern Caribbean Overseas Territories. Careful consideration was being given to the resultant recommendations, including the possibility of establishing Overseas Economic Cooperation Fund draft legislation to address gaps in compliance with the Convention and the recommendation that Anguilla should update its legislation on children born out of wedlock. The cases highlighted in the report in which migrant mothers in the Turks and Caicos Islands had been denied requests for birth certificates had been raised with the Governor of the Islands and the Human Rights Commission. The British Government had asked UNICEF to conduct another analysis to explore the issue of birth registration and the impact of migrant status on children's access to basic services.

57. Under its National Drug Control Master Plan, the Government of Bermuda was adopting a multidisciplinary approach to protecting people from alcohol and drug abuse and providing necessary treatment. The corresponding action plan covered the period 2013-2017. She commended the efforts of the Government of Bermuda and would welcome information on the effectiveness of those measures with a view to sharing best practices with other Overseas Territories.

58. **Mr. Bishop** (United Kingdom) said that all deaths in custody in England and Wales were independently investigated by the police, the Prisons and Probation Ombudsman and

the local Children's Safeguarding Board and were subject to an inquest hearing. Although the terms of reference of the review of deaths in custody among 18- to 24-year-olds did not specifically cover persons under 18 years old, four cases of child deaths in custody between 2007 and 2012 had been examined and had informed the resultant recommendations.

59. Physical restraint was used on young people as a measure of last resort only and significant improvements had been made in that area following the introduction of a system to minimize and manage its use. Pain-inducing techniques were used only when the individual posed a serious risk to others; chemical restraint methods were not permitted in secure children's establishments; and segregation was also used as a measure of last resort only and subject to various safeguards. Young people could not be separated as a punishment and the duration of segregation was limited. The Government had introduced additional safeguards to ensure that such measures were applied in a safe and appropriate way.

60. The Youth Justice Board had a duty to place juvenile offenders in an appropriate custodial establishment. The Secretary of State for Justice had authority to transfer children to adult prisons in exceptional circumstances but such situations rarely arose in practice and safeguards were in place to ensure that children were not moved to adult prisons prematurely. There had been no cases of such transfers since January 2014.

61. The Ministry of Justice worked with the NHS to ensure that children serving custodial sentences had access to the same mental health treatment as children living in the community. The NHS also ensured compliance with the standards set by the Royal College of Paediatrics and Child Health in 2013. The Government was examining the effectiveness of partnerships with health-care services as part of its review of the youth justice system. Mental health was taken very seriously and measures were in place to divert certain young offenders away from the criminal justice system and towards the support they needed. The Law Commission's recommendations concerning unfitness to plead were under consideration and a response would be issued in early 2017.

62. The Youth Justice Board had established a programme of work to address the overrepresentation of black and minority persons in juvenile detention and was helping the various youth offending teams to develop corresponding action plans. A disproportionality toolkit had been piloted and the Board continued to engage with stakeholders to implement activities and identify priorities. A review of the criminal justice system in England and Wales would be conducted to examine the treatment of black and minority defendants and assess possible prejudices, and the corresponding report would be issued in 2017.

63. An offender's status as sole or primary carer for a dependant relative was always considered a mitigating factor by the courts. Even in cases of child cruelty, sentencing guidelines stated that, when considering the appropriateness of a custodial sentence, the court should take information concerning the child's future care into account. Children should have regular and meaningful contact with their parents, even if they were in prison, as such relationships were vital to reducing the chances of recidivism. A number of third sector organizations were working to raise awareness of the needs of children and vulnerable adults who were left behind when a parent or carer was sent to prison and the National Offender Management Service was conducting a review of services promoting family engagement and support.

64. With regard to the minimum age of criminal responsibility, the Government considered that children aged 10 years old were able to differentiate between bad behaviour and serious wrongdoing and should be held accountable for their actions. However, not all juvenile offences were prosecuted and alternative measures were in place. It was inappropriate to make comparisons with other countries, as youth justice systems differed significantly.

65. The Government was taking steps to eliminate the anxiety experienced by child victims in court and to support vulnerable and intimidated witnesses. Witnesses were either screened from defendants or allowed to give evidence from a separate room via live link. Section 28 of the Youth Justice and Criminal Evidence Act allowed witnesses to give evidence and be cross-examined before the trial away from the courtroom and that system had been piloted in crown courts in Leeds, Liverpool and Kingston upon Thames in 2013 and 2014. The question of life sentences for minors under the age of 18 years was covered in paragraph 97 of the replies to the list of issues.

66. **Mr. Blair-Tidewell** (United Kingdom) said that, since robust policies and safeguards were in place to support young people in the armed forces, there were no plans to phase out the recruitment of persons under 18 years of age. To ensure a reasonable length of useful service, the minimum period for recruits under 18 years of age was four years from their eighteenth birthday, compared with four years from attestation for recruits aged over 18 years. However, the relevant legislation had been amended in 2011 to give all military personnel under 18 years of age the right to request discharge and leave the armed forces before reaching their eighteenth birthday. Furthermore, recruitment was voluntary, all applications from persons in that age group had to be accompanied by the written consent of a parent or guardian, and commanding officers were issued with specific guidance for the treatment of young recruits. The armed forces did not specifically recruit young people from vulnerable groups but, in accordance with its diversity policy, valued individuals from varied backgrounds. Military personnel under 18 years of age were not deployed on operations and did not take part in hostilities; on the rare occasions that errors had been made, the individuals concerned had been returned to the United Kingdom as soon as possible. The number of military recruits aged between 16 and 17 and half years old varied from year to year. While on occasions their number accounted for 20 per cent of all new recruits, that did not equate to 20 per cent of the armed forces as a whole. Owing to the extended period of education and training, the vast majority did not join the trained strength until after their eighteenth birthday.

67. **Mr. Jones** (United Kingdom) said that the Home Office published detailed information on asylum and immigration, including information on unaccompanied minors, but that efforts were under way to improve the available data set. National policy expressly stated that children should not be detained and that, if there was any doubt as to whether an individual was under 18 years old, the person should be treated as a child. Age assessments in immigration cases were conducted by the relevant local authority in accordance with guidance provided by the courts in a case involving Merton Council known as the Merton guidelines. Medical and scientific methods were not used, but the Government was open to possible ways to improve processes. All migrant children had full access to education and health-care services irrespective of their immigration status and were provided with a social worker. There were no plans to assign additional guardians, although the Scottish Government had decided to appoint guardians for asylum seekers.

68. The refugee family reunification policy allowed the spouses, partners and dependent children of refugees to join them in the United Kingdom and had allowed more than 21,000 dependents to join family members in the United Kingdom over the previous five years. While there were no plans to widen the definition of a family member, persons that did not qualify for entry on that basis could be admitted in exceptional cases. The guidance on family reunification was being reviewed to ensure that the provisions were clear to visa officers.

69. The Government had responded to the Syrian refugee crisis in an unprecedented manner, contributing £2.3 billion to the relief effort. Various resettlement schemes were under way, including a commitment to resettle 20,000 Syrians in the United Kingdom over the coming four years. The Government would also be working with the Office of the

United Nations High Commissioner for Refugees to resettle up to 3,000 at-risk children from the wider region and unaccompanied refugee children from other parts of Europe.

70. **Ms. Sandberg** said that the measures described by the State party did not correspond precisely to the information that the Committee had received from children and young people themselves. She trusted that the State party would view the Committee's recommendations not as criticism but as positive advice and encouragement to further its efforts towards ensuring children's rights.

71. **Mr. Kissack** (United Kingdom) said that his delegation would provide written responses to all unanswered questions. He thanked the Committee for their comments and suggestions and assured members that the dialogue would continue. He also wished to thank the Children's Commissioners, civil society groups and all the children and young persons who had contributed to the reporting process.

*The meeting rose at 1 p.m.*